

AO 120 (Rev.3/04)

TO: <b>Mail Stop 8</b> <b>Director of the U.S. Patent and Trademark Office</b> <b>P.O. Box 1450</b> <b>Alexandria, VA 22313-1450</b>	<b>REPORT ON THE</b> <b>FILING OR DETERMINATION OF AN</b> <b>ACTION REGARDING A PATENT OR TRADEMARK</b>
---	---

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised  
that a court action has been filed in the U.S. District Court San Diego on the following Patents or Trademarks:

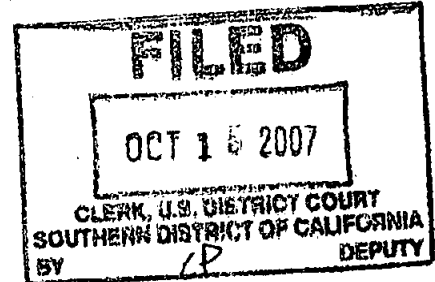
DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
07cv1991-DMS	10/15/2007	Southern District of California
PLAINTIFF		DEFENDANT
Visual Interactive Phone Concepts, Inc.		Leap Wireless International, Inc.
PATENT OR TRADEMARK NO.	PATENT OR TRADEMARK NO.	PATENT OR TRADEMARK NO.
1 See Attached 5,606,361	6	11
2 5,724,092	7	12
3	8	13
4	9	14
5	10	15

In the above-entitled case, the following patent(s)/trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	PATENT OR TRADEMARK NO.	PATENT OR TRADEMARK NO.	
1	6	11	
2	7	12	
3	8	13	
4	9	14	
5	10	15	

In the above-entitled case, the following decision has been rendered or judgment issued:

DECISION/JUDGMENT		
attached		
CLERK	(BY) DEPUTY CLERK	DATE
W. Samuel Hamrick, Jr.	/s K. Madden	10/16/2007



Anatoly S. Weiser, Cal. State Bar # 212,698  
3525 Del Mar Heights Road, #295  
San Diego, California 92130  
Tel: (858) 720-9431  
Fax: (85) 720-8631  
[aw@IPLCounsel.com](mailto:aw@IPLCounsel.com)

Jean-Marc Zimmerman (Pro Hac Vice Pending)  
Zimmerman, Levi & Korsinsky, LLP  
226 St. Paul Street  
Westfield, NJ 07090  
Tel: (908) 654-8000  
Fax: (908) 654-7207  
[jmzimmerman@zlk.com](mailto:jmzimmerman@zlk.com)

Attorneys for Plaintiff Visual Interactive Phone Concepts, Inc.

UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF CALIFORNIA

VISUAL INTERACTIVE PHONE CONCEPTS,  
INC.,

Plaintiff,

v.

LEAP WIRELESS INTERNATIONAL, INC.,

Defendant.

'07 CV 1991 DMS LSP  
Case No.: \_\_\_\_\_

COMPLAINT FOR PATENT  
INFRINGEMENT

DEMAND FOR JURY TRIAL

Plaintiff Visual Interactive Phone Concepts, Inc. ("Plaintiff" or "VIPC") demands a jury trial and complains against the defendant as follows:

**THE PARTIES**

1. VIPC is a Nevada State corporation, with its principal place of business at One President Street, Staten Island, NY 10314.

2. Upon information and belief, Leap International Wireless, Inc. ("Defendant" or "Leap") is a corporation organized and existing under the laws of the State of California, having a place of business at 10307 Pacific Center Court, San Diego, CA 92121.

CR

**JURISDICTION AND VENUE**

3. This action arises under the patent laws of the United States of America, Title 35 of the United States Code. This Court has jurisdiction of this action under 28 U.S.C. §§ 1331 and 1338(a).

4. Upon information and belief, Defendant is doing business and committing infringements in this judicial district and is subject to personal jurisdiction in this judicial district.

5. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400(b).

**CLAIM FOR PATENT INFRINGEMENT**

6. Plaintiff, VIPC, repeats and incorporates herein the entirety of the allegations contained in paragraphs 1 through 5 above.

7. On February 25, 1997, U.S. Patent No. 5,606,361 (hereinafter referred to as "the '361 patent") was duly and legally issued to VIPC for an invention entitled "Videophone Interactive Mailbox Facility System and Method of Processing Information." A copy of the '361 patent is attached to this Complaint as Exhibit 1.

8. On March 3, 1998, U.S. Patent No. 5,724,092 (hereinafter referred to as "the '092 patent") was duly and legally issued to VIPC for an invention entitled "Videophone Interactive Mailbox Facility System and Method of Processing Information." A copy of the '092 patent is attached to this Complaint as Exhibit 2.

9. VIPC is the owner of all right, title and interest in and to the '361 patent and the '092 patent.

**COUNT ONE**

10. Plaintiff, VIPC, repeats and incorporates herein the entirety of the allegations contained in paragraphs 1 through 9 above.

11. Leap has and still is infringing, actively inducing the infringement of and contributorily infringing in this judicial district, the '361 patent by, among other things, making,

1 using, offering for sale, selling and/or importing mobile telephones, software and systems as  
2 defined by the claims of the '361 patent, without permission from VIPC, and will continue to do so  
3 unless enjoined by this Court.

4 12. Plaintiff, VIPC, has been damaged by such infringing activities by the Defendant of  
5 the '361 patent and will be irreparably harmed unless such infringing activities are enjoined by this  
6 Court.

7  
8 **COUNT TWO**

9 13. Plaintiff, VIPC, repeats and incorporates herein the entirety of the allegations  
10 contained in paragraphs 1 through 12 above.

11 14. Leap has and still is infringing, actively inducing the infringement of and  
12 contributorily infringing in this judicial district, the '092 patent by, among other things, importing,  
13 making, using, offering for sale, and/or selling mobile telephones, software and systems as defined  
14 by the claims of the '092 patent, without permission from VIPC, and will continue to do so unless  
15 enjoined by this Court.

16 15. Plaintiff, VIPC, has been damaged by such infringing activities by the Defendant, of  
17 the '092 patent and will be irreparably harmed unless such infringing activities are enjoined by this  
18 Court.

19  
20 **PRAYER FOR RELIEF**

21 WHEREFORE, THE Plaintiff, VIPC prays for judgment against the Defendant Leap on all  
22 the counts and for the following relief:

- 23 A. Declaration that the Plaintiff is the owner of the '361 patent, and that the Plaintiff has  
24 the right to sue and to recover for infringement thereof;
- 25 B. Declaration that the '361 patent is valid and enforceable;
- 26 C. Declaration that the Defendant has infringed, actively induced infringement of, and  
27 contributorily infringed the '361 patent;
- 28

- 1 D. Declaration that the Plaintiff is the owner of the '092 patent, and that the Plaintiff has  
2 the right to sue and to recover for infringement thereof;
- 3 E. Declaration that the '092 patent is valid and enforceable;
- 4 F. Declaration that the Defendant has infringed, actively induced infringement of, and  
5 contributorily infringed the '092 patent;
- 6 G. A preliminary and permanent injunction against the Defendant, each of its officers,  
7 agents, servants, employees, and attorneys, all parent and subsidiary corporations,  
8 their assigns and successors in interest, and those persons acting in active concert or  
9 participation with them, including distributors and customers, enjoining them from  
10 continuing acts of infringement, active inducement of infringement, and contributory  
11 infringement of VIPC's '361 and '092 patents;
- 12 H. An accounting for damages under 35 U.S.C. § 284 for infringement of VIPC's '361  
13 and '092 patents by the Defendant and the award of damages so ascertained to the  
14 Plaintiff, VIPC, together with interest as provided by law;
- 15 I. Award of VIPC's costs and expenses; and
- 16 J. Such other and further relief as this Court may deem proper, just and equitable.
- 17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**DEMAND FOR JURY TRIAL**

The Plaintiff, VIPC, demands a trial by jury of all issues properly triable by jury in this action.

By: 

Anatoly Weiser  
3525 Del Mar Heights Road, #295  
San Diego, CA 92130  
Tel: (858) 720-9431  
Fax: (85) 720-8631  
[aw@IPLCounsel.com](mailto:aw@IPLCounsel.com)

Jean-Marc Zimmerman (Pro Hac Vice)  
Zimmerman, Levi & Korsinsky, LLP  
226 St. Paul Street  
Westfield, NJ 07090  
Tel: (908) 654-8000  
Fax: (908) 654-7207  
[jmzimmerman@zlk.com](mailto:jmzimmerman@zlk.com)  
Attorneys for Plaintiff VIPC

Dated: October 15, 2007  
San Diego, CA

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

VISUAL INTERACTIVE PHONE  
CONCEPTS, INC.,

Plaintiff,

v.

CRICKET COMMUNICATIONS, INC.

Defendant.

Case No. 07 CV 1991 DMS (LSP)

**ORDER DISMISSING ACTION WITH  
PREJUDICE**

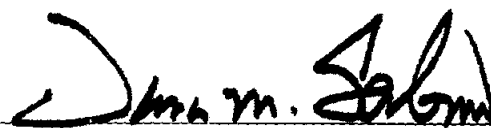
Upon consideration of the parties' Joint Motion for Order Dismissing Action with Prejudice, and good cause appearing for that Motion, the Court hereby orders that:

1. The Action, including, without limitation, all claims and counterclaims asserted in the Action, is hereby dismissed with prejudice as to all parties pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure; and

2. Each party shall bear its own costs and attorneys fees.

**IT IS SO ORDERED:**

Dated: August 11, 2008

  
Hon. Dana M. Sabraw  
United States District Court Judge